IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10139 of 2007(F)

PETITIONER:

THE PARAVUR S.N.V.REGIONAL,
CO-OPERATIVE BANK LTD., NO.1685,
REPRESENTED BY SECRETARY, PARAVUR,
KOLLAM 691301.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

1. THE STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY TO THE LABOUR &
   REHABILITATION DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE REGIONAL PROVIDENT FUND COMMISSIONER
   BHAVISHYANIDHI BHAVAN, PATTOM,
   THIRUVANANTHAPURAM.

3. THE ASSISTANT PROVIDENT FUND
   COMMISSIONER, BHAVISHYANIDHI BHAVAN,
   PATTOM, THIRUVANANTHAPURAM.

4. THE KERALA STATE CO-OPERATIVE
   EMPLOYEES' PENSION BOARD, REPRESENTED BY ITS
   SECRETARY, THIRUVANANTHAPURAM.

5. THE JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), KOLLAM.

BY GOVT. PLEADER, SRI.P.N.SANTHOSH
BY ADV.SMT.T.N.GIRIJA, SC.
BY SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.10139 of 2007

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Dated this the 28th day of March, 2007

J U D G M E N T

The petitioner is a co-operative society. The Kerala Co-operative Societies Self Financing Pension Scheme, 1994, has been made applicable to the society. The petitioner in this case is aggrieved by the action of respondents 2 and 3 in demanding contributions under the Employees' Provident Funds and Miscellaneous Provisions Act. According to the petitioner, Kerala Co-operative Societies Self Financing Pension Scheme, 1994 is much more beneficial to the employees of the society than the Employees' Pension Scheme under the Employees' Provident Funds and Miscellaneous Provisions Act. The petitioner has filed Ext.P2 application before the 1st respondent under the Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act for exemption from the

provisions of the Employees' Provident Funds and Miscellaneous Provisions Act on the ground that the Kerala Co-operative Societies Self Financing Pension Scheme is more beneficial to the employees of the society than the Employees' Provident Funds and Miscellaneous Provisions Act. He seeks a direction to the 1st respondent to consider and pass appropriate orders on Ext.P2 expeditiously.

2. I have heard the learned counsel for the petitioner, learned counsel for respondents 2 and 3, the learned Government Pleader appearing for respondents 1 and 5 and the learned counsel appearing for the 4th respondent.

3. In the facts and circumstances of the case, I feel that it is only appropriate that the 1st respondent who has powers under Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act to consider and pass orders on Ext.P2, considers and passes appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a

copy of this judgment, after affording an opportunity of being heard to the petitioner, respondents 2 and 3 and the 4th respondent. The petitioner is directed to produce a copy of this writ petition along with a certified copy of this judgment before the 1st respondent for compliance. Till final orders are passed, respondents 2 and 3 shall not take any coercive steps against the petitioner for recovery of any amount under the Employees' Provident Funds and Miscellaneous Provisions Act.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE